

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3524
OFFERED BY M . Mast**

Insert after section 404 the following:

1 **SEC. 405. MODIFICATION OF AUTHORITIES TO REGULATE**
2 **OR PROHIBIT THE IMPORTATION OR EXPOR-**
3 **TATION OF INFORMATION OR INFORMA-**
4 **TIONAL MATERIALS CONTAINING SENSITIVE**
5 **PERSONAL DATA UNDER THE INTER-**
6 **NATIONAL EMERGENCY ECONOMIC POWERS**
7 **ACT.**

8 (a) IN GENERAL.—Section 203 of the International
9 Emergency Economic Powers Act (50 U.S.C. 1702) is
10 amended—

11 (1) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “to regulate or prohibit, directly or
14 indirectly” and inserting “to directly regulate or
15 prohibit”; and

16 (B) in the first sentence of paragraph
17 (3)—

18 (i) by striking “but not limited to,”;
19 and

1 (ii) by inserting “, but excluding sen-
2 sitive personal data”; and

3 (2) by adding at the end the following:

4 “(d) SENSITIVE PERSONAL DATA DEFINED.—In
5 subsection (b)(3), the term ‘sensitive personal data’ means
6 any of the following:

7 “(1) Personally-identifiable information, includ-
8 ing:

9 “(A) Financial data that could be used to
10 analyze or determine an individual’s financial
11 distress or hardship.

12 “(B) The set of data in a consumer report,
13 as defined under section 603 of the Fair Credit
14 Reporting Act (15 U.S.C. 1681a), unless such
15 data is obtained from a consumer reporting
16 agency for one or more purposes identified in
17 subsection (a) of such section.

18 “(C) The set of data in an application for
19 health insurance, long-term care insurance, pro-
20 fessional liability insurance, mortgage insur-
21 ance, or life insurance.

22 “(D) Data relating to the physical, mental,
23 or psychological health condition of an indi-
24 vidual.

1 “(E) Non-public electronic communica-
2 tions, including email, messaging, or chat com-
3 munications, between or among users of a
4 United States business’s products or services if
5 a primary purpose of such product or service is
6 to facilitate third-party user communications.

7 “(F) Geolocation data collected using posi-
8 tioning systems, cell phone towers, or WiFi ac-
9 cess points such as via a mobile application, ve-
10 hicle GPS, other onboard mapping tool, or
11 wearable electronic device.

12 “(G) Biometric enrollment data including
13 facial, voice, retina/iris, and palm/fingerprint
14 templates.

15 “(H) Data stored and processed for gener-
16 ating a Federal, State, tribal, territorial, or
17 other government identification card.

18 “(I) Data concerning United States Gov-
19 ernment personnel security clearance status.

20 “(J) The set of data in an application for
21 a United States Government personnel security
22 clearance or an application for employment in a
23 position of public trust.

24 “(2) Genetic information, which includes the re-
25 sults of an individual’s genetic tests, including any

1 related genetic sequencing data, whenever such re-
2 sults, in isolation or in combination with previously
3 released or publicly available data, constitute identi-
4 fiable data. Such results shall not include data de-
5 rived from databases maintained by the United
6 States Government and routinely provided to private
7 parties for purposes of research. For purposes of
8 this paragraph, the term ‘genetic test’ has the mean-
9 ing provided in section 2791(d)(17) of the Public
10 Health Service Act (42 U.S.C. 300gg-91(d)(17)).’.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section—

13 (1) take effect on the date of the enactment of
14 this Act; and

15 (2) apply with respect to any exercise of the au-
16 thority granted to the President under section 203
17 of the International Emergency Economic Powers
18 Act on or after such date of enactment.

